



301 W. Main St.
Town Hall
Carrboro, NC 27510

Town of Carrboro

Meeting Minutes

Town Council

February 9, 2021

6:30 PM

Remote Meeting

This meeting was held via Zoom teleconference and broadcasted live on cable television and the internet.

Present: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

Also Present: David Andrews, Town Manager; Cathy Dorando Town Clerk; Brady Herman, Town Attorney

MEETING WITH LEGISLATIVE DELEGATION

The Town Council met with Sen. Foushee, Rep. Insko, and Rep. Meyer to discuss the legislative priorities for the upcoming session of the General Assembly.

POETRY READING

Kendall Lytle and Diana Robertson were the guest poets. Diana Robertson read "Mr. Roosevelt Regrets (Detroit Riots, 1943)" by Pauli Murray. Kendall Lytle read "I Too" by Langston Hughes.

PUBLIC COMMENTS

Soteria Shepperson, owner of Present Day on Main, talked about the idea of a mixed-use development on the current site of the business. She discussed the concept of cargo containers for homes. This item was referred to Town Staff for follow-up.

Shelley Welch and Kevin Poimboeuf spoke about their ongoing property issues between them and their neighbor. They asked for documents related to a public records request and communication between the attorneys. The attorney said he would look into this request.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE THE MINUTES FROM JANUARY 19 AND 26, 2021. VOTE: AFFIRMATIVE ALL

REQUEST TO SET A PUBLIC HEARING ON THE PERMANENT CLOSING OF A PORTION OF THE MAPLE AVENUE RIGHT-OF-WAY

The purpose of this agenda item was to set a public hearing on a request to permanently close a portion of the Maple Avenue right-of-way.

A motion was made by Council Member Foushee, seconded by Council Member Gist, to approve the following resolution:

RESOLUTION OF INTENT TO CLOSE PORTION MAPLE AVENUE PURSUANT TO N.C. GEN. STAT. § 160A-299

WHEREAS the Town of Carrboro is proceeding with its plan to construct a building at property owned by the Town located at 203 South Greensboro Street to be used for Town offices and the Southern Branch of the Orange County Library, together with a related parking structure (the “203 Project”); and

WHEREAS the current design for the 203 Project requires encroachment into a portion of the public right of way of Maple Avenue from Carr Street to Roberson Street; and

WHEREAS North Carolina General Statutes provides for the closure of public rights of way.

NOW, THEREFORE, BE IT RESOLVED by the Town of Carrboro Town Council that the Town Council declares its intent to close the above-mentioned portions of the Maple Avenue

right of way, and the Town Council will conduct a public hearing to consider the question at 7 o'clock p.m. on the 9th day of March, 2021.

BE IT FURTHER RESOLVED this Resolution shall be published once a week for four consecutive weeks prior to the hearing in a newspaper in local circulation in the Town of Carrboro, and a copy of this Resolution shall be sent by registered or certified mail to the owners of all property adjoining portions of the street proposed to be closed, as those owners are identified on Orange County Tax Records and notice of the proposed closing and public hearing shall be prominently posted in at least two places along the subject portion of the Maple Avenue.

BE IT FURTHER RESOLVED that at the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest to the property rights of any individual.

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

GROUP LETTER TO SUBMIT PUBLIC COMMENTS TO THE NORTH CAROLINA UTILITIES COMMISSION CONCERNING DUKE ENERGY'S 2020 INTEGRATED RESOURCE PLAN

The purpose of this item was for the Town Council to consider signing the group letter to submit public comments to the NC Utilities Commission concerning Duke Energy's 2020 Integrated Resource Plan.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE THE GROUP SIGNING OF A LETTER THAT WAS ATTACHMENT A IN THE AGENDA PACKET TO SUBMIT AS PUBLIC COMMENT TO THE NC UTILITIES COMMISSION CONCERNING DUKE ENERGY'S 2020 INTEGRATED RESOURCE PLAN. VOTE: AFFIRMATIVE ALL.

CONSIDERATION OF PROPOSED TEXT AMENDMENTS TO THE LAND USE ORDINANCE RELATING TO THE HISTORIC ROGERS ROAD NEIGHBORHOOD

The purpose of this agenda item was for the Town Council to continue its deliberation on proposed text amendments to the Land Use Ordinance to establish a new zoning district and associated development standards for the Historic Rogers Road neighborhood.

A motion was made by Council Member Seils, seconded by Council Member Haven-O'Donnell, to approve the following resolution:

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN
COUNCIL'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: A LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH THE HISTORIC ROGERS ROAD COMMUNITY COMMERCIAL DISTRICT AND ASSOCIATED DEVELOPMENT STANDARDS

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

Consistent with current adopted plans such as the provisions in *Carrboro Vision2020*, to promote diverse housing options with regard to type and size, the *Facilitated Small Area Plan for Carrboro's Northern Study Area* to allow for opportunities for commercial uses at a community-scale, and the four principals of the "Rogers Road: Mapping our Community's Future" report.

Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment responds to a community initiative and, after considering public input from the neighborhood it is intended to serve and adjacent residents, is reasonable and in the public interest.

Section 3. Therefore, the Carrboro Town Council has: approved the proposed amendment to the text of the Carrboro Land Use Ordinance.

This is the 9th day of February, 2021.

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

A motion was made by Council Member Seils, seconded by Council Member Gist, to approve the following resolution:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH THE HISTORIC ROGERS ROAD COMMUNITY COMMERCIAL DISTRICT
AND ASSOCIATED DEVELOPMENT STANDARDS
Ordinance No. 14/2020-21

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by modifying Section, 15-136.1 Historic Rogers Road District Established, to read as follows:

Section 15-136.1 Historic Rogers Road Districts Established

- (a) The Historic Rogers Road districts, HR-R (residential) and HR-CC (community commercial), are established to implement the goals and recommendations of the *Mapping Our Community's Future* community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR Districts is to:
- 1) Create opportunities for long-term residents to continue living in the community and to age in place;
 - 2) Preserve the socioeconomic and cultural diversity of the neighborhood;
 - 3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
 - 4) Respect and protect the natural character of the neighborhood;
 - 5) Ensure that the new development is consistent with neighborhood character and the vision that residents have developed for its future;
 - 6) Provide greater residential housing choice, affordability, and diversity;
 - 7) Increase economic opportunities within the neighborhood;
 - 8) Increase recreational resources within the neighborhood; and
 - 9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.
- (b) The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.
- (c) The HR-CC district is designed to provide for a broader range of housing and employment options by concentrating new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-CC district include live-work units, flex space, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities. Property proposed for rezoning to an HR-CC district shall include no less than 5 contiguous acres. The district may be expanded to include additional parcels of land so long as such parcels: (i) are contiguous to the district, and (ii) are the same, or part of the same, tracts or parcels of land that were identified in *Mapping Our Community's Future* for more intensive uses. The development of an HR-CC district may include the recombination of existing lots and/or the subdivision of new lots that meet the density and dimensional standards outlined in Article XII.

Section 2. Section 15-141.4(a) of the Carrboro Land Use Ordinance is amended to read as follows:

- (a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ,
and
R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ,
OACZ,
M-1-CZ, M-2-CZ (AMENDED 4/27/10; 06/23/15; 10/23/18)

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

Section 3. Article II Section 15-15 Definitions of Basic Terms is amended by modifying the existing definition of Home Occupation, Major to add a reference the HR-CC district as follows:

Home Occupation, Major. A Major Home Occupation is an accessory business use of a residentially-zoned property, that meets one or more of the following criteria: (i) employs up to four non-resident employees, who may work on site; (ii) utilizes outdoor storage of materials, supplies, products, or machinery; or (iii) generates noise, vibration, dust, odor, light, or glare that is visible from neighboring properties or the public right-of-way at any hour of the day. Examples of Major Home Occupations include: barbershops and salons, lawncare or landscaping services, woodworking shops, small engine repair, appliance repair, metalworking, and any home business with more than one non-resident employee. Major home occupation uses are only permissible with a zoning permit in the HR-R and HR-CC districts, and are subject to the performance standards specified in Section 15-176.9.

Section 4. Section 15-146 (Table of Permissible Uses) is amended by adding one new column labelled HR-CC with permissible use classifications as shown in the attached Exhibit ‘A.’ The letters “Z,” “S,” “C,” “SC,” and “ZS,” and the symbol “*” have the meanings described for all uses as provided in applicable subsections of Section 15-147.

Section 5. Section 15-147 (Uses of the Designations Z,S,C in Table of Permissible Uses) is amended by adding a new subsection (v) to read as follows:

(v) Per Section 15-176.9, Special Standards for Historic Rogers Road Districts, triplexes are only permissible in the HR-R and HR-CC districts if they meet the definition of an affordable housing unit as described in Subsection 15-182.4.

Section 6. Section 15-176.9 Special Standards for Historic Rogers Road District, is amended to include the HR-CC District as follows:

Section 15-176.9 Special Standards for Historic Rogers Road Districts.

- (a) **All applicable provisions of the Carrboro Land Use Ordinance not specifically exempted or modified by this section shall apply to the HR-R and HR-CC districts.**
- (b) In both the HR-R and HR-CC districts, the maximum size of any single-family dwelling constructed after the effective date of this section shall be 2,000 square feet of heated floor area; the maximum size of any duplex or triplex dwelling unit constructed after the effective date of this section shall be 1,200 square feet of heated floor area. Any dwelling unit in existence on the effective date of this subsection containing 2,000 square feet or greater of heated floor area may be increased by a maximum of 25% of the existing heated floor area or 500 square feet whichever is greater, but with a maximum size of 2,500 square feet at any time. Any dwelling unit in existence on the effective date of this subsection containing less than 2,000 square feet of heated floor area may be expanded up to a maximum size of 2,000 square feet of heated floor area or 25% whichever is greater.
- (c) Any triplex dwelling unit constructed after the effective date of this section in both the HR-R and HR-CC districts shall be an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter.
- (d) In the HR-CC district the maximum size of the building footprint for any building containing any nonresidential uses shall not exceed 3,000 square feet.
- (e) An undisturbed buffer, of no less than 50 feet, shall be maintained along the perimeter of the entire HR-CC district.
 - 1. The buffer shall consist of existing vegetation and/or new plantings to meet the requirements in Section 15-307(1) for an Opaque Type A screen.
 - 2. This area shall remain undisturbed except for the removal of noxious weeds and trees determined to be diseased by a Certified Arborist, and the installation of new plantings as required by the standards for a Type A screen described in subsection (e)(1) above.
- (f) Development within the HR-CC district shall be subject to the screening requirements of Section 15-306, to provide sufficient screening between uses, so long as a Type A screen is retained at the boundary line of any parcel in the HR-CC district where that parcel adjoins an adjacent property outside of the district.
- (g) As set forth in the Table of Permissible Uses, Major Home Occupations are permissible only in the HR-R and HR-CC districts, subject to the following standards:
 - 1. Must be conducted by a person who resides on the same lot.
 - 2. Major Home Occupations shall only be located on lots a minimum of one half acre in size.
 - 3. No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the

total square footage calculation for the home; such structures shall be limited to a maximum size of 150% of the home, but in no case shall exceed 2,000 gross square feet.

4. The maximum number of trips per day to or from the business shall not exceed 50.
 5. The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.
 6. No more than three business-associated vehicles shall be parked on-site.
 7. Business-associated vehicles shall be limited to vehicles allowed under a Class C license.
 8. Parking for vehicles associated with the business, including employee and visitor vehicles shall be provided on-site, pursuant to the requirements in Section 15-291.
 9. If more than three parking spaces are provided for business-associated vehicles and / or employees and visitors, then the additional spaces above three must be screened by a Type A screen.
 10. All business activities shall be a minimum of 30 feet from all lot lines or within a fully enclosed building.
 11. All noise, dust, vibration, odor, light, and glare-producing activities shall be located a minimum of 30 feet from all lot lines, and any activity that results in noise, vibration, dust, odor, light, or glare shall only occur between the hours of 8 AM and 6 PM.
 12. Any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) shall be screened with a Type A screen as described in LUO Section 15-307.
- (h) Any Land Use Category 8.100 use located in the HR-CC district is limited to 2,000 square feet heated floor area and may only conduct business between the hours of 6 am and 9 pm.
- (i) For proposed developments within the HR-CC District, a phasing plan must be incorporated into the project which mandates that at least fifteen percent (15%) of the uses must be nonresidential and at least fifteen percent (15%) of the uses must be residential. The phasing plan must ensure that the nonresidential portions are completed prior to or in conjunction with the residential portions of each phase.

Section 7. Section 15-181 Minimum Lot Size Requirements, subsection (a) is revised with the addition of minimum lot size requirements for the HR-CC zoning district as follows:

<u>ZONE</u>	<u>MINIMUM SQUARE FEET</u>
HR-CC	14,520

Section 8. Section 15-182 Residential Density, subsection (a) is revised with the addition of residential density requirements for the HR-CC zoning district, as follows:

<u>ZONE</u>	<u>Minimum Square Feet Per Dwelling Unit, Multi-Family, Triplex and Duplex</u>
HR-CC	14,520

Section 9. Section 15-182.3 Residential Density of Major Developments in Certain Districts, subsection (a) is amended to read as follows:

- (a) Notwithstanding the provisions of Section 15-182, when any tract of land within the R-10, R-15, R-20, RR, HR-R and HR-CC districts is developed under circumstances requiring the issuance of a special or any tract within the R-10, R-15, R-20, RR, HR-R or HR-CC requiring the issuance of conditional use permit, the maximum number of dwelling units that may be placed on that tract shall be determined in accordance with the provisions of this section.

Section 10. Section 15-183 Minimum Lot Widths, subsection (b) is revised with the addition of minimum lot width requirements for the HR-CC zoning district, as follows:

<u>ZONE</u>	<u>Lot Width</u>
HR-CC	50

Section 11. Subsection 15-184 Building Setback Requirements, subsection (a) is revised with the addition of setback requirements for the HR-CC zoning district, as follows:

<u>ZONE</u>	<u>Minimum Distance from Street Right of Way Line</u>		<u>Minimum Distance from Street Centerline</u>		<u>Minimum Distance from Lot Boundary Line</u>
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
HR-CC	50	20	70	50	50/20 (50 from edge of HR-CC district as established on date of adoption; otherwise 20)

Section 12. The table included in Subsection 15-185 (a) (2) is amended by the addition of information on the maximum building height for the HR-CC zoning district, as follows:

<u>ZONE</u>	<u>Maximum Height</u>
HR-CC	40'

Section 13. Article XVII Signs, Section 15-271(e) is amended to read as follows:

- (e) Signs for home occupations and major home occupations shall be permitted subject to the following provisions:

1. A lot that houses a legally-established home-based occupation as an accessory use may have up to one wall-mounted sign with a maximum area of 4 square feet. In the HR-R and HR-CC districts, legally-established major home occupations may have up to one wall-mounted sign with a maximum area of 8 square feet.
2. Signs must be non-illuminated.
3. Signs shall comply with the standards of Sections 15-271, Permit Required for Signs, 15-275, Computation of Sign Area, and 15-282, Miscellaneous Requirements.

Section 14. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 15. The Town Council also adopts “Exhibit A” Table of Permissible Uses for the Historic Rogers Road Zoning District Additions as shown in the agenda packet.

Section 16. This ordinance shall become effective upon adoption.

This is the 9th day of February, 2021.

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O’Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O’DONNELL, SECONDED BY COUNCIL MEMBER FOUSHEE, FOR THEM TO WORK TOGETHER TO DRAFT TEXT THAT WILL EXPAND THE CLASSIFICATION OF COMMUNITY COMMERCIAL AND BE BROUGHT BACK FOR CONSIDERATION AS A POTENTIAL TEXT AMENDMENT. THIS WILL BE CONSISTENT WITH THE MAPPING OUR COMMUNITY’S FUTURE REPORT. VOTE: AFFIRMATIVE ALL

CONSIDERATION OF LOCAL TRANSIT CAPITAL PROJECTS FOR THE ORANGE COUNTY TRANSIT PLAN UPDATE

The purpose of this item was to provide Council feedback received from advisory boards on the potential transit capital projects to seek funding in the Orange County Transit Plan Update and for the Council to consider approving them for further consideration in the plan.

A motion was made by Council Member Haven-O’Donnell, seconded by Council Member Foushee, to approve the following resolution:

A RESOLUTION APPROVING POTENTIAL CAPITAL PROJECTS TO IMPROVE TRANSIT ACCESS FOR THE ORANGE COUNTY TRANSIT PLAN UPDATE

WHEREAS, Carrboro Vision 2020 (4.13) states that the “town should cooperate with Chapel Hill and other regional entities in a comprehensive transportation plan to include: regional transit service conducted by the Triangle Transit Authority, seamless connections among all the region’s public transit systems, and shorter routes and more frequent service”; and,

WHEREAS, 11.0 percent of Carrboro residents take public transportation to work, according to the 2014-2018 American Community Survey, conducted by the U.S. Census Bureau; and,

WHEREAS, the Carrboro Town Council previously received information about the Orange County Transit Plan Update on December 1, 2020; and,

WHEREAS, the Town of Carrboro Planning Board, Transportation Advisory Board, and Environmental Advisory Board received information about these projects on January 7, 2021 and supported continued exploration of them, while emphasizing equity and environmental impacts when planning these types of projects.

THEREFORE, BE IT RESOLVED that: The Carrboro Town Council approves the proposed capital projects to improve transit access, directs staff to continue working to incorporate these projects into the Orange County Transit Plan Update and provides the following comments:

1. That staff review the speed limit on South Greensboro from Main Street to the roundabout and consider 20 MPH.

This is the 9th day of February 2021.

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O’Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

ADJOURNMENT

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER ROMAINE, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor